

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

STADDON *et al.*

Appl. No. 09/848,353

Filed: May 4, 2001

For: **Modulating the Permeability of a
Physiological Barrier with an
Agent that Modulates Tyrosine
Phosphorylation (As Amended)**

Confirmation No.: 1015

Art Unit: 1631

Examiner: Borin, M.L.

Atty. Docket: 0623.0410001/LBB/BJD

**Reply to Restriction Requirement and Requirement for Election of
Species**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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AUG 25 2003
TECH CENTER 1600/2900

Sir:

In reply to the Office Action dated March 20, 2003 (Paper No. 8), requesting an election of one invention to prosecute in the above-referenced patent application, Applicants reply as follows.

Applicants respectfully submit that the Restriction Requirement and Requirement for Election of Species were issued in error. Applicants note that claims 2-20 were cancelled in a Preliminary Amendment filed concurrently with the present application on May 4, 2001. Claim 1, and new claims 21-39 submitted in this Preliminary Amendment, are currently pending. Applicants respectfully contend that the Restriction Requirement and Election of Species were issued in error, as they relate to claims that are no longer pending in the present application. (Please find attached a courtesy copy of the preliminary amendment as filed, as well as a copy of the stamped post card noting the filing date of the preliminary amendment.)

In response to the Restriction Requirement, Applicants hereby provisionally elect to prosecute the invention of Group VIII, representing claims 3, 4, 6-8 and 5, 9-11 (in part). This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

In addition, in reply to the Examiner's Election of Species Requirement in the same Office Action dated March 20, 2003, Applicants hereby provisionally elect pervanadate as a species of agent affecting tyrosine kinase phosphorylation, and p120 as a component of the cadherin/catenin complex. Claims 3, 4, 7 and 5, 9-11 (in part) read on the elected species. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a).

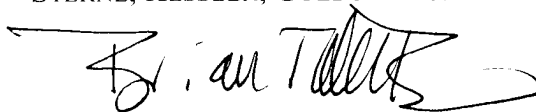
These elections are made **with traverse**. As noted above, claims 2-20 are no longer pending in the present application, and hence Applicants submit that the Restriction Requirement and Requirement for Election of Species were issued in error.

In view of the comments made above, reconsideration and withdrawal of the Restriction Requirement and Requirement for Election of Species, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required beyond those that may otherwise be provided for accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: Aug. 20, 2003

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